

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

STATE OF WASHINGTON,
Plaintiff,
v.

ENVIRONMENTAL PROTECTION
AGENCY, an agency of the United States,
and ANDREW R. WHEELER, in his
official capacity as Acting Administrator,
Defendants.

CASE NO. C18-0645 RSM
JOINT STATUS REPORT
and ORDER

COME NOW Plaintiff THE STATE OF WASHINGTON and Defendants ENVIRONMENTAL PROTECTION AGENCY (“EPA”) and ANDREW R. WHEELER hereby provide the Court with a Joint Status Report.

As the Court is aware, in this Freedom of Information Act ("FOIA") suit, Plaintiff seeks records of communications from EPA employees to former and current members of any EPA Federal Advisory Committee related to a directive issued by then-Administrator Pruitt on October 31, 2017, and occurring between that date and March 1, 2018. Since the last status report, the parties have discussed the status of approximately thirty documents previously withheld by EPA as either exempt from disclosure or as non-responsive attachments to emails.

In the interest of narrowing the issues before the Court, EPA is willing to produce some of the thirty documents in whole or in part (as a discretionary release notwithstanding EPA's position that the documents were properly withheld under FOIA). EPA intends to produce the documents and portions of documents designated for discretionary release on February 28, 2019. In order to permit Plaintiff with enough time to review the production to determine if it believes that any issues remain concerning the thirty withheld documents, the parties jointly propose a joint status report to be filed on or before April 1, 2019 to permit these discussions to occur between the parties.

DATED this 27th day of February, 2019.

Respectfully Submitted,
BRIAN T. MORAN
United States Attorney

s/ Michelle R. Lambert
MICHELLE R. LAMBERT, NYS #4666657
Assistant United States Attorney
United States Attorney's Office
700 Stewart Street, Suite 5220
Seattle, Washington 98101
Phone: (206) 553-7970
Email: michelle.lambert@usdoj.gov

Attorneys for Defendant

OFFICE OF THE ATTORNEY GENERAL
ROBERT W. FERGUSON
Attorney General

s/ William R. Sherman
WILLIAM R. SHERMAN, WSBA# 29365
Assistant Attorney General
800 5th Ave Suite 2000, TB-14
Seattle, WA 98104
Phone: (206) 442-4485
Email: bill.sherman@atg.wa.gov

Attorneys for Plaintiff

ORDER

It is hereby ORDERED that the parties shall file a joint status report on or before April 1, 2019.

Dated this 27th day of February 2019.


RICARDO S. MARTINEZ
CHIEF UNITED STATES